

Attachment 4
Proposed Revisions to University Handbook Section D
Submitted by University Handbook and Policy Committee
Approved by Faculty Affairs

University Handbook, Section D
Privileges, Benefits, Responsibilities

D1 By tradition, the faculties of colleges and universities have authority to grant degrees and control all matters dealing with courses and curricula offered by the institution. At Kansas State University, the exercise of these powers is subject to final approval by the Kansas Board of Regents. The faculty of Kansas State University also has authority to participate in the establishment of policies relating to many other all-university problems. To carry out these duties and responsibilities, the general faculty in 1951 created the faculty senate as its representative body.

D2 Individually, faculty members are in the unclassified service of the state of Kansas. Assigned duties vary but traditionally a portion of most faculty appointments entails self-generated creative activity. Faculty members are expected to establish an appropriate work schedule that will allow them to accomplish all of these assigned duties, including classes, meetings, and posted office hours. When absences can be anticipated, arrangements for another faculty member to assume scheduled duties should be made by the faculty member concerned.

D3 A fundamental premise of academic life is the inviolable dignity of the individual. Respect for others is essential to the pursuit of the common missions of higher education. Discrimination, harassment, or other conduct that diminishes the worth of any individual person is incompatible with the fundamental values of the university. Every person, regardless of race, color, ethnic or national origin, sex, sexual orientation, gender identity, religion, age, ancestry, disability, military status, or veteran status, shall be treated with respect and dignity (see Appendix J, <http://www.k-state.edu/academicpersonnel/fhbook/fhxj.html>). No person shall be subject to sexual, racial, or similar harassment or abuse, either of physical, verbal, or psychological nature. No one shall be denied equitable consideration for access to employment, to professional advancement, or to the programs, services, activities, and privileges of the university.

Workplace Environment

D4 Nepotism Policy—See the PPM, Chapter 4095, <http://www.k-state.edu/policies/ppm/4095.html>.

D5 Policy and Procedure for Discrimination and Harassment Complaints—See the Office of Affirmative Action website, <http://www.k-state.edu/affact/resolution/index.htm>.

Equal Employment Opportunity

D6 Notice of Discrimination—See the policy on the Office of Affirmative Action’s website <http://www.k-state.edu/nondiscrimination.html>.

D7 Affirmative Action Policy—See the policy on the Office of Affirmative Action’s website <http://www.k-state.edu/affact/Plan/policy.htm>.

D8 Kansas State University is committed to upholding the intellectual freedoms of teaching, expression, research, and debate. All members of the university community have a responsibility to exemplify and support these freedoms in the interest of reasoned inquiry, both on and off campus. At Kansas State

University, the atmosphere of academic freedom, commitment to academic inquiry, and respect for the academic rights of others shall not be abridged.

D9 All members of the university community have the right and responsibility to participate in university governance at all levels and in diverse forms. This requires an honest and robust exchange of ideas and opinion. Interfering in any fashion with the right of others to properly voice their opinions during the formulation of new policies, or to express their views regarding established policies or their application, is a violation of the principles of academic freedom as described in Appendix C, <http://www.k-state.edu/academicpersonnel/fhbook/fhxc.html>. Such principles should be extended to all members of the university community as appropriate.

D10 Faculty and unclassified professionals can expect to participate in the activities of their respective units and to receive an equitable distribution of the unit's resources, administrative support, and assigned responsibilities. The allowed exceptions to this policy include the following: dismissal for cause under the provisions of Appendix M, <http://www.k-state.edu/academicpersonnel/fhbook/fhxm.html>, probationary faculty or unclassified professionals whose contracts have not been renewed, and retired employees.

D11 Except in extraordinary circumstances, faculty may not be administratively or physically removed from their respective units, with the exception of these circumstances: unit reorganization under the principles outlined in Appendix N, <http://www.k-state.edu/academicpersonnel/fhbook/fhxn.html>; financial exigency under the conditions delineated in Appendix B, <http://www.k-state.edu/academicpersonnel/fhbook/fhxb.html>; resolution of harassment concerns addressed by Affirmative Action, PPM 3010; and agreement by all parties involved, including the faculty to be reassigned and the faculty and administration of both units.

D12 Tenure is granted within the university; however, it is made operational at the unit level. In cases involving the voluntary reassignment of tenured faculty, the agreement must also include a written determination as to whether or not the operational aspects of tenure are also reassigned.

Academic Freedom and Conduct

D13 Academic freedom. The university upholds and supports the principles of academic freedom adopted and promulgated by the American Association of University Professors (AAUP), <http://www.aaup.org/aaup>. An active chapter of the AAUP at the university seeks to promote and safeguard the professional interests and well-being of the faculty, as referenced in [Appendix C](#).

D14 Faculty and unclassified professional conduct. Faculty and unclassified professional conduct is expected to be in accord with resolutions adopted by the Kansas Board of Regents in 1970. See [Appendix D](#).

Professional Conduct All faculty and unclassified employees are expected to conduct themselves in a collegial manner within the university. Specifically, employees are expected to contribute to the pursuit of departmental/unit goals and work with faculty, unclassified staff, and other employees to achieve the mission of the University. Faculty and unclassified staff should contribute to an academic environment that:

- supports academic freedom, freedom of expression, professional discourse, inquiry, and respect for the academic rights and professional expertise of others; and
- is free of workplace bullying such as repeated threatening, humiliating, or intimidating behavior.

Kansas State University also has endorsed the Principles of Community, which can be found at <http://www.k-state.edu/welcome/community.html>. Every member of the university community is expected to acknowledge and practice these principles.

Individuals are expected to promote citizenship through mutual respect for individuals and sharing in the workload needed to achieve the collective goals of the department or unit.

Performance reviews of faculty and other unclassified employees will include consideration of overall contribution or detriment to the department/unit, which includes citizenship and other personal conduct affecting the workplace (see C46.1).

Faculty members and other unclassified employees may be dismissed or otherwise disciplined for professional incompetence, misconduct or unethical behavior, or persistent violation of University rules and/or policy (see C161.1).

Employees who make complaints or serve as witnesses in proceedings regarding violations of this policy may not be retaliated against for such actions.

Resources for individuals with concerns related to professional conduct include the appropriate department head and dean, the Office of Academic Personnel, the Office of the Provost and Senior Vice President, the Ombudspersons, Counseling Services, Human Resources, Mediation Assistance, and, in cases of alleged discrimination, the Office of Affirmative Action.

[Colleges and academic units](#)

[Office of Academic Personnel](#)

[Office of the Provost and Senior Vice President](#)

[Ombudspersons](#)

[Counseling Services](#)

[Division of Human Resources](#)

[Mediation Assistance](#)

[Office of Affirmative Action](#)

Faculty and Unclassified Professionals Liability

D15 Generally speaking, the courts will hold a faculty member or unclassified professional liable only if he/she personally, or someone acting under his/her control, intentionally or negligently causes the injury; otherwise he/she will not be liable to either students or nonstudents. Faculty and unclassified professionals sued for acts within the scope of their employment, such as recommendations on tenure or supervision of field trips, will ordinarily be defended at state expense, usually by the university general counsel; and if the faculty or unclassified professional member has to pay a judgment, he/she will be reimbursed by the state. The state may refuse to provide defense if the act was malicious or fraudulent; and the state will not reimburse for punitive damages. The university itself can be sued and held liable for damages that are the fault of its employees acting within the scope of their employment, subject to certain exceptions and limitations. See Kansas Tort Claims Act, KSA 75-6101 to 75-6116, http://kansasstatutes.lesterama.org/Chapter_75/Article_61/. Further information is available from the university general counsel, <http://www.k-state.edu/generalcounsel/>.

Privileges, Constraints, and Responsibilities

D16 Full-time faculty members and regular unclassified professionals, with approval of their department heads/chairs or deans, may enroll in graduate or undergraduate work not to exceed six credit hours in a regular semester or three credit hours during the summer session. Once approved, university employees are eligible to apply for a tuition waiver. To receive tuition assistance, university employees must submit an [Application for Tuition Assistance \(pdf\)](#) to the [Office of Student Financial Assistance](#) before the start of each semester. Payment of tuition for one undergraduate or graduate course, up to three hours, is permitted for each Fall, Spring and Summer semesters. The application requires the employee's and department/unit head's signatures. Classes may be taken through the Manhattan, Olathe or Salina campus. Full-time faculty members and regular unclassified professionals of the university, with permission of their dean and the dean of the college in which the work is offered, may audit classes without cost. For more details see the PPM, <http://www.k-state.edu/policies/ppm/4870.html>.

D17 Dependents or spouses of eligible Kansas State employees may be eligible for the Dependent/Spouse Tuition Grant Program for courses taken at Kansas State. For application information see the Dependent/Spouse Tuition Grant Program, <http://www.k-state.edu/sfa/grants/sdg.htm>. For more information on the Dependent/Spouse Grant see <http://www.k-state.edu/sfa/grants/sdg.htm> or <http://www.k-state.edu/policies/ppm/4870.html>.

D18 Political activities. Faculty, administrators, and unclassified professionals are eligible to accept any public or political party position that does not involve any conflict of interest and does not require substantial time away from assigned duties or other respects infringe upon them. Such eligibility covers membership on city commissions, school boards, or planning groups, or on county, state, or national party committees and like organizations.

D19 Leave without pay or other benefits will be granted to those elected or appointed to public office requiring full time or lengthy sustained periods away from assigned duties, such as Congress, the State Legislature, and state and county offices or appointments to office falling within that category effective, for a person elected or appointed to Congress or the State Legislature, from the date such person takes the oath of office and continuing until the adjournment of Congress or the adjournment sine die of each session of the State Legislature; or, for other state and county offices, during the entire time a person serves as such officer. Faculty and unclassified professionals elected to the State Legislature are not required to take leave without pay when serving on interim committees while the legislature is not in session.

D20 All university personnel are free to express opinions as individuals in print and digital media in support of or in opposition to parties or causes. They must make clear that they are acting for themselves and not for the university.

D21 Speaking engagements. Faculty members are encouraged to accept invitations to address groups, clubs, and organizations and to participate in media events. In these activities, their right to the free expression of thought and opinion is recognized along with a professional obligation for the responsible use of communications.

D22 Kansas State personnel will be permitted to appear on commercially sponsored digital media, radio, and television programs, providing: (1) that the sponsor has the approval of Kansas State, (2) that the commercial announcements shall in no way imply endorsement of the product or service either by Kansas State or by the individual involved, and (3) that there is no implication, on the air or by any other manner, that Kansas State personnel are employed by the station(s) involved.

D23 Kansas State University will permit sponsorship of select radio and television programs produced by Kansas State University, with the same provisions applying.

D24 Sponsorship of university-produced programs must follow Kansas State University policy, state law, and the Kansas Board of Regents guidelines.

D25 Faculty members and unclassified professionals may accept outside consulting assignments that support professional growth, as long as the assignments do not interfere with the effective discharge of university responsibilities. Faculty members and unclassified professionals who perform consulting services outside the university must obtain prior approval from their department/unit head, the dean or appropriate vice president, and provost. Such outside activities are to be reported in writing on the consulting request form for inclusion in personnel files. For faculty members only, personal, professional activities that occur within a single 24-hour period need not have prior approval but must be reported annually in writing on the Annual Declaration and Disclosure form. Normally, faculty members and unclassified professionals are allowed four working days per month on the average to participate in consulting activities. Faculty participating in regular instructional service to other educational institutions while still fulfilling contractual responsibilities to Kansas State University is not normally considered an appropriate consulting activity. See Kansas State University Policy on Conflict of Interest and Conflict of Time Commitment, Appendix S, <http://www.k-state.edu/academicpersonnel/fhbook/fhxs.html>.

D26 Consulting by faculty and unclassified professionals of institutions under jurisdiction of the Kansas Board of Regents for another institution under the jurisdiction of the Regents, as well as consultation for other state agencies, shall be approved in advance by routine minute. Such action shall be initiated by the institution or agency seeking these services and approved by the chief academic officer (provost) of the faculty and/or unclassified professional member's home institution.

D27 Unclassified Leave. See <http://www.k-state.edu/policies/ppm/4865.html> for an explanation of various leave programs available to unclassified employees including faculty.

D28 Jury duty. Faculty and unclassified professionals are not exempt from jury duty. The university encourages faculty and unclassified professionals to serve on juries. While a faculty or unclassified professional member is absent because of jury duty, leave with pay will be provided. It is the responsibility of the department/unit head and faculty or unclassified professional member to see that his/her regular duties are assumed by others during the absence.

D29 Contact with the Kansas Board of Regents. All communications to the Regents from each campus are to be directed through the chancellor or president, except that any group is free to petition the Regents in writing through the Regents' Executive Office.

D30 Employee Assistance Program. The Employee Assistance Program (EAP) provides confidential assistance to help Kansas State employees resolve problems that affect job performance. For more information see <http://www.k-state.edu/policies/ppm/4850.html>.

Retirement Privileges

D31 Faculty and unclassified professionals who have completed at least ten years of honorable full-time service at Kansas State University shall be designated at the time of their full retirement by an emeritus title equivalent to their highest rank or title. The unit head/chair shall forward the name of each person eligible for such designation along with their appropriate emeritus title to the president of Kansas State University. The president will report to the Kansas Board of Regents the names of faculty and unclassified professionals who are eligible for emeritus status. The president may waive the full-time service requirement for part-time employees who have completed at least 20 years of honorable half-time (or more) service at Kansas State University.

D32 Emeritus persons and other retired faculty and unclassified professionals who have completed at least five years of honorable full-time service to Kansas State University are provided with office, studio,

and/or laboratory space as available, free parking privileges, a mailbox, ID cards, clerical support as available, complimentary facility use cards for Kansas State University Recreational Services, and faculty and unclassified professional faculty and/or professional privileges regarding use of the library and the purchase of tickets for cultural and athletic events. The president may waive the five-year requirement.

An emeritus person or retired faculty or unclassified professional may continue to consult and receive externally funded grants and utilize support services as negotiated with the university.

Acceptance of Gifts to the University

D33 The University Policy and Procedures Manual should be consulted for rules and regulations regarding the acceptance of gifts on behalf of the university, see PPM chapter 6510. <http://www.k-state.edu/policies/ppm/6510.html#.110%20Gifts%20or%20Grants%20of%20Equipment>.

Modified Instructional Duties for Faculty*

D34 It is the policy of Kansas State University to assist faculty members by modifying their work assignments when personal circumstances, as described below, prevent them from being able to perform their instructional duties and when such modifications are found to be in the best interest of the university's mission. This policy applies immediately upon employment at the university to all full-time faculty members on regular appointments with instructional duties.

D34.1 Eligibility Requirements. Full-time faculty members on regular appointments with instructional duties on or off campus may apply for modified duties if they are the primary caregiver for a child, by birth or adoption, through the foster care placement of a child, or are required to care for or assist a member (or members) of their immediate family or household who is ill or disabled, and requires the help and attention of the faculty member. The primary caregiver is defined as the person who provides the majority (more than 50%) of the care for the family member during the modified instructional duties period. The Modified Duties (MD) policy is not a leave policy since faculty members are still working, only under a modified arrangement of their work assignments. If eligible, a faculty member with instructional duties may request a modified duties arrangement instead of or in addition to, using FMLA leave. Faculty under a modified duties arrangement are still required to use sick leave when they are not able to perform their duties.

D34.2 Period and Scope of Modification.

- a. Modifications to duties shall be for the period of one semester (i.e., fall or spring) or for not more than four months.
- b. If two members in the family household are employed by the university as full-time faculty members with instructional duties, a total of one semester or not more than four months of modified duties may be taken for a particular child or family member either for the primary caregiver or split between co-equal caregivers.
- c. The period of modified duties must be taken within 12 months of a child joining the family, whether by birth, adoption, or foster care placement or within 12 months of an event requiring care for a family member. This limit applies even in the case of multiple births as well as the simultaneous adoption or foster care placement of more than one child. If the situation is not an "event," the faculty member and department head will meet to determine an agreed upon beginning date. If an agreement cannot be reached, the college dean will determine the beginning date.
- d. Modified duties may be used only twice in the course of an eligible faculty member's career at Kansas State University.
- e. The number of faculty members in the university to whom modified duties will be granted in any fiscal year shall not exceed four percent of the total number of full-time equivalent faculty members.

- f. A faculty member given modified duties for either one semester or not more than four months agrees to resume his or her regularly assigned duties at Kansas State University for a minimum of two semesters or at least eight months following the period of Modified Duties. Tenure-eligible faculty may request MD for a semester in the year they are reviewed for tenure; however, faculty denied tenure are not eligible for MD for either semester of the year of employment following the denial of tenure. Likewise, faculty members who have been given notice of non-reappointment are not eligible for MD in the terminal year of employment.
- g. Tenure-eligible faculty members whose requests for modified duties are granted can delay their tenure clock if necessary. The faculty member makes this request to the department head. If an appeal is necessary, it is made to the dean of the college.
- h. Faculty members granted modified duties are not removed from the unit's budget; likewise, faculty members are expected to fulfill all of their assigned duties.
- i. The salary of the faculty member on modified instructional duties will be the same as it would be absent the modified instructional duties arrangement.

D34.3 Application Requirements. An eligible faculty member must submit a written request for a modification of duties for the endorsement of his or her unit head. The request should be submitted at least five months prior to the starting date of the modified duties, except in unusual circumstances. The request must include the following information:

- a. A statement describing the faculty member's status as the primary or co-equal caregiver of the child or ill or disabled family member;
- b. A statement explaining the need for modified instructional duties; and
- c. A proposal describing the requested modification to the faculty member's normal instructional duties and a description of the duties for which the faculty member will be responsible during the period of modified duties.

D34.4 Application Review. The unit/department head to whom the written request for modification of duties is submitted shall review it to determine that:

- a. The faculty member is eligible to apply for modified duties and the period and scope of modification are within the limits of this policy;
- b. The proposal is in the best interest of the unit/department/program's and the school/college's mission; and
- c. The full range of the unit/department/program's responsibilities can be met without additional resources during the period of modified instructional duties.

D34.5 Should the faculty member and unit/department head not be able to reach an agreement regarding any of the above issues, an appeal may be made to the Dean of the College. The Dean's decision will be communicated in writing within 10 working days to the unit/department head and faculty member.

D34.6 It is the responsibility of the unit head to work with the faculty member to identify and implement an appropriate modified workload. The unit head will forward the request, along with a plan for implementing modified duties for the faculty member, to the Dean or Director. Within thirty working days of receipt of the request, the dean or director shall submit the request and plan and the results of his or her review, in writing, to the Provost. Upon final review, the Provost will communicate his or her written decision to the applicant and the appropriate dean and/or unit head/director. The decision of the Provost is final.

D34.7 All workload modifications will be granted in compliance with the department's or unit's expected workload requirements for faculty.

*The Modified Instructional Duties policies of the University of Texas at Austin, the University of Kansas, and Iowa State University provided the models for this policy, and Kansas State University gratefully acknowledges these sources.